IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 9808 of 2003

Between:

Y. Radhakrishna Kumari,

wife of Sri. Y. Radhakrishna Murthy,
Business, residing at Eluru,

West Godavari District.

..... PETITIONER

AND

1 Andhra Pradesh State Road Transport Corporation,

rep. by its Vice- Chairman and Managing Director,
Hyderabad.
2 The Regional Manager, A.P.S.R.T.C., Eluru,

West Godavari District.,
3 The Divisional Manager, A.P.S.R.T.C.., Eluru,

West Godavari District.,
4 The Depot Manager, New Bus Station Complex,

Eluru, West Godavari District.,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pleased to issue a writ of Mandamus or any other appropriate writ, order or direction, declaring that the impugned action of the officials of the respondent corporation in not permitting the petitioner to sellwater on par with other licencees at the New Bus Station Complex, Eluru as arbitrary, illegal, capricious, violative of all can nons of

law and justice and consequently direct the respondents not to interfere with the business activity of the petitioner in any manner whatsover during the period of licence subsisting upto 1-9-2005.

Counsel for the Petitioner: MR.T.S.ANAND

Counsel for the Respondents: MR.VENKATESWARLU POSANI

The Court made the following :

ORDER:

Heard both sides and at their request the main writ petition itself is taken up for disposal.

The petitioner, who is a licensee for selling the dairy products, files this writ petition, *inter alia,* seeking a writ of mandamus for direction to the corporation to permit him to sell the water on par with the other licensees in the new bus station complex at Eluru.

The case of the petitioner, in brief, is that whenever the dairy products are being consumed by the consumers they also seek the water for the purpose of drinking and therefore, it is necessary for the petitioner to sell the water also, for which the petitioners' sought to place reliance on the circulars dated 13-02-2003 and 02-05-2003, where under the corporation itself permitted other license-holders to sell water, subject to other terms and conditions. It is further submitted that the petitioner has already filed a representation earlier, but the same is not being considered.

The learned counsel appearing for the respondent submits that the petitioner has no right to say that the circulars are enforceable in a Court of law.

Having considered the submissions made on either side, it is seen that the petitioner's request for the supply of water as sought cannot be considered in this writ petition under Article 226 of the Constitution. The alleged representation filed by the petitioner earlier was denied by the respondent. It is always open for the respondents to take into consideration the facts of each case and in the exigencies

where upon necessary permissions can be granted to the license holders for supply of water also subject to other conditions. In the circumstances, the writ petition is disposed of directing the petitioner to file a detailed representation within a period of one week from today and on receipt of which, the respondents shall pass orders by giving opportunity to the petitioner, in accordance with law.

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19-07-2004

vs

To

1 The Vice-Chairman and Managing Director, Andhra Pradesh

State Road Transport Corporation,

Hyderabad.

2 The Regional Manager, A.P.S.R.T.C., Eluru,

West Godavari District.,

3 The Divisional Manager, A.P.S.R.T.C.., Eluru,

West Godavari District.,

4 The Depot Manager, New Bus Station Complex,

Eluru, West Godavari District.,

5 Two CD copies.